

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE APPLICATION	:	
FOR APPROVAL AS A REAL ESTATE	:	
COURSE INSTRUCTOR FOR	:	CASE NO. LS9406221REB
	:	
LINDA S. HANEL,	:	
APPLICANT.	:	

FINAL DECISION

The parties to this matter for the purposes of Wis. Stats. §227.53 are:

Mrs. Linda S. Hanel
1838 N. Hawthorne Park Drive
Janesville, WI 53545

Department of Regulation and Licensing
Bureau of Direct Licensing and Real Estate
1400 E. Washington Avenue
P.O. Box 8935 Madison, WI 53708

Department of Regulation and Licensing
Division of Enforcement
1400 W. Washington Avenue
P.O. Box 8935
Madison, WI 53708

PROCEDURAL HISTORY

A hearing was conducted in the above-entitled matter on August 11, 1994, at 1400 E. Washington Avenue, Madison, Wisconsin. Mrs. Linda S. Hanel appeared in person without counsel. The Division of Enforcement appeared by Attorney Charles J. Howden.

Based upon the entire record in this matter, the Department of Regulation and Licensing makes as its final decision in this matter the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Linda S. Hanel, (Applicant) 1838 N. Hawthorne Park Drive, Janesville, Wisconsin, is a licensed real estate salesperson in the State of Wisconsin.
2. Applicant applied for approval to be a real estate instructor under s. RL 25.06 (2) (a), WI Admin. Code, which states in part:

[I]nstructors shall possess at least one of the following minimum qualifications:

- 1. Be an instructor of real estate courses who is or has been engaged in the practice of teaching at an accredited institution of higher education.*
 - 2. Be a properly licensed or certified person who is engaged in the real estate aspects of appraising, financing, marketing, brokerage management, real property management, real estate counseling, real property law, or other related subjects and has been for at least five years continuously engaged in such practice.*
 - 3. Be a member of the state bar of Wisconsin who is engaged in the field of real estate-related law.*
 - 4. Be a person who, in the judgment of the department, is qualified by experience or education, or both, to supervise a course of study.*
3. Applicant holds a Bachelor of Science degree in elementary education from the University of Missouri. Her teaching experience is limited to having taught children in Grades 1-8. She has not taught any course work to adult students.
 4. Applicant has been a licensed real estate salesperson since April of 1990, and is employed by Century 21 Affiliated as a sales consultant. Since 1990, she has had approximately fourteen sales.
 5. Applicant has received approximately 150 hours of real estate training from her employers. She does not hold a degree from an accredited academic institution in real estate or in a real estate-related field. Nor has she ever been engaged in the practice of teaching at an accredited institution of higher education.
 6. Applicant has not been engaged in the practice of real estate or in any related field for five continuous years.
 7. Applicant is not a member of the State Bar of Wisconsin who is engaged in the field of real estate-related law.
 8. On May 3, 1994, the Department of Regulation and Licensing through its Bureau of Direct Licensing and Real Estate denied Applicant's application for approval as a real estate course instructor.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction in this case pursuant to WI Stats. §§452.05 and 227.44.
2. Applicant meets the criteria of s. RL 25.06 (2) (a) 4., WI Admin. Code.

ORDER

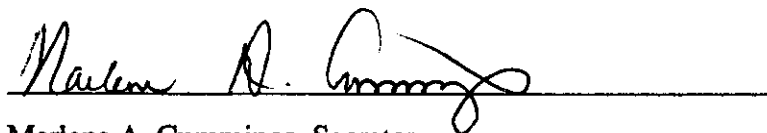
NOW, THEREFORE, IT IS ORDERED that the application for approval as a real estate course instructor of Linda S. Hanel is **GRANTED**.

EXPLANATION OF VARIANCE

Applicant's request for approval was originally denied because the Department used the standards set forth in s. RL 25.06 (2) (a) 1-3 as its base line against which to measure a candidate for approval. As interpreted by the Hearing Officer, one or more of the requirements of sec. RL 25.06 (2) (a) 1. through 3. must be met in order for an applicant to qualify under sec. RL 25.06 (2) (a) 4. The Department has a responsibility to approve applicants who demonstrate that they are minimally competent. Applicant's profession is teaching. Her credentials have been carefully scrutinized in this approval process and she falls into the exceptional category which sec. RL 25.06 (2) (a) 4. was intended to cover. Applicant's combined experience and education are satisfactory and indicate interest, motivation and flexibility.

Applicant's experience as a real estate salesperson, coupled with her prior teaching experience, are sufficient grounds on which to base an approval under s. RL 25.06 (2) (a) 4. Applicant has had several years of experience teaching elementary school pupils and has a Bachelor of Science in education. While it is true that her teaching experience may not be as relevant to the approval issue as would experience in teaching real estate courses in college, it is evident that she will bring the fundamental principles for successful teaching to her work in teaching real estate courses. Her real estate experience and knowledge, acquired by on-the-job training and continuing education courses in the field of real estate, also support the conclusion that she qualifies for approval under s. RL 25.06 (2) (a) 4.

Dated this 28th day of October, 1994.

A handwritten signature in cursive script, appearing to read "Marlene A. Cummings", is written over a horizontal line.

Marlene A. Cummings, Secretary
Department of Regulation and Licensing

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

THE STATE OF WISCONSIN DEPARTMENT OF REGULATION AND LICENSING
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708.

The Date of Mailing this Decision is:

NOVEMBER 1, 1994.

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)